

2013 DRAFTING REQUEST**Assembly Amendment (AA-AB620)**

Received: 1/24/2014

Received By: gmalaise

Wanted: Soon

Same as LRB:

For: LaTonya Johnson (608) 266-5580

By/Representing: Christian Ullsvik

May Contact:

Drafter: gmalaise

Subject: Children - abuse and neglect

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Johnson@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Child abuse investigations when person is suspected of permitting, allowing, or encouraging child to engage in prostitution

Instructions:

See attached--require court to report under child abuse reporting law when court enters consent decree of deferred prosecution agreement for a child charged with prostitution and court suspects that a person has permitted, allowed, or encouraged the child to engage in prostitution

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 1/24/2014	csicilia 1/28/2014	jmurphy 1/28/2014	_____			
/1				_____	sbasford 1/28/2014	sbasford 1/28/2014	

FE Sent For:

<END>

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1/?	gmalaise	1/27	1/28	1/28			

FE Sent For:

<END>

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Thursday, January 23, 2014 2:15 PM
To: Malaise, Gordon
Subject: FW: Amendment for AB 620

Would this be you? Section 35 is what he is getting at, but that's when I lose the thread.

From: Ullsvik, Christian
Sent: Thursday, January 23, 2014 2:11 PM
To: Hanaman, Cathlene
Subject: Amendment for AB 620

Hi Cathlene,

I just left you a message, but thought it might be easier if I write the request down as well.

We'd like to amend AB 620 to require that any minor who has been charged with prostitution or similar lesser offense, and for whom the court exercises its option of a consent decree or deferred prosecution under AB 620, be required to receive a CHiPS investigation and determination by a child welfare agency.

What we are envisioning is the child welfare agency investigation requirement that we created under AB 192. In AB 192, the referral by law enforcement was mandatory as well as the child welfare investigation, so this would drop the law enforcement referral, and instead require the child welfare determination for minors who receive consent decrees or deferred prosecutions under AB 620.

Thanks, and let me know if you have any questions.

Christian Ullsvik
Office of Rep. LaTonya Johnson
17th Assembly District



TODAY AM
State of Wisconsin
2013 - 2014 LEGISLATURE

IN 1124
MAINT



LRBa15237?

GMM/.....

gjs

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 620

fullish

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 5: after that line insert:

3 "SECTION 5j. 48.981 (2) (br) of the statutes is created to read:

4 48.981 (2) (br) A court that has reason to suspect that a person ^{any} ~~who is not a~~
5 ~~caregiver~~ has committed abuse, as defined in s. 48.02 (1) (d), of a child who has
6 entered into a consent decree under s. 938.32 or a deferred prosecution agreement
7 in accordance with s. 938.245, 971.39, or 971.40 under the circumstances specified
8 in s. 944.30 (2m) shall, ~~except as provided in subs. (2m) and (2r)~~ report as provided
9 in sub. (3).

10 SECTION 5k. 48.981 (2) (c) of the statutes is amended to read:

11 48.981 (2) (c) Any person not otherwise specified in par. (a), (b), ~~or~~ (bm), or (br),
12 including an attorney, who has reason to suspect that a child has been abused or
13 neglected or who has reason to believe that a child has been threatened with abuse

1 or neglect and that abuse or neglect of the child will occur may report as provided in
2 sub. (3).

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87; 2013 a. 20.

3 **SECTION 5m. 48.981 (2r) of the statutes is amended to read:**

4 **48.981 (2r) EXCEPTION TO REPORTING REQUIREMENT; PERSON DELEGATED PARENTAL**
5 **POWERS.** A person delegated care and custody of a child under s. 48.979 is not required
6 to report as provided in sub. (3) any suspected or threatened abuse or neglect of the
7 child as required under sub. (2) (a), (b), ~~or (bm), or (br)~~ or (2m) (d) or (e). Such a person
8 who has reason to suspect that the child has been abused or neglected or who has
9 reason to believe that the child has been threatened with abuse or neglect and that
10 abuse or neglect of the child will occur may report as provided in sub. (3).

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87; 2013 a. 20.

11 **SECTION 5p. 48.981 (3) (c) 1. a. of the statutes is amended to read:**

12 **48.981 (3) (c) 1. a.** Immediately after receiving a report under par. (a), the
13 **INS** agency shall evaluate the report to determine whether there is reason to suspect that
14 a caregiver has abused or neglected the child, has threatened the child with abuse
15 or neglect, or has facilitated or failed to take action to prevent the suspected or
16 threatened abuse or neglect of the child ^{or any} ~~or that a person who is not a caregiver~~ has
17 committed abuse, as defined in s. 48.02 (1) (d), of the child. Except as provided in sub.
18 (3m), if the agency determines that a caregiver is suspected of abuse or neglect ~~or,~~
19 of threatened abuse or neglect of the child, determines that a caregiver is suspected,
20 or of facilitating or failing to take action to prevent the suspected or threatened abuse
21 or neglect of the child; determines ^{or any} ~~that a person who is not a caregiver~~ has
22 committed abuse, as defined in s. 48.02 (1) (d), of the child; or cannot determine who

④ SEC. 5m. 48.981 (3) (a) 2.e.

④ 48.981 (3) (a) 2.e.

Cases reported by a court
under sub. (2) (br).

~~abuse as defined in s. 48.02 (1) (d) of a child.~~

score

Use 2x1
If the case was reported by a court under (2)(br)

1 abused or neglected the child, within 24 hours after receiving the report the agency
2 shall, in accordance with the authority granted to the department under s. 48.48 (17)
3 (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation
4 to determine if the child is in need of protection or services. If Except as provided in
5 this subd. 1. a., if the agency determines that a person who is not a caregiver is
6 suspected of abuse or of threatened abuse, the agency may, in accordance with that
7 authority, initiate a diligent investigation to determine if the child is in need or
8 protection or services. Within 24 hours after receiving a report under par. (a) of
9 suspected unborn child abuse, the agency, in accordance with that authority, shall
10 initiate a diligent investigation to determine if the unborn child is in need of
11 protection or services. An investigation under this subd. 1. a. shall be conducted in
12 accordance with standards established by the department for conducting child abuse
13 and neglect investigations or unborn child abuse investigations.” ✓

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87; 2013 a. 20.

14 ✓ **2.** Page 11, line 18: after “971.40.” insert “If the court has reason to suspect
15 ^{any} that a person ~~who is not a caregiver, as defined in s. 48.981 (1) (am)~~ has permitted,
16 allowed, or encouraged the person who has entered into the consent decree or the
17 deferred prosecution agreement to violate sub. (1m), the court shall ~~except as~~
18 ~~provided in s. 48.981 (2m) and (2r)~~ report that suspicion as provided in s. 48.981 (3).” ✓

19 (END)

INS X

Section 48.981 (3) (a) 2d. of the statutes is amended to read:

Except as provided in subd. 2.e., the

48.981 (3) (a) 2d. ~~The~~ sheriff or police department may refer to the county department or, in a county having a population of 500,000 or more, the department or a licensed child welfare agency under contract with the department a case reported to the sheriff or police department in which a person who is not a caregiver is suspected of abuse or of threatened abuse of a child.

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87; 2013 a. 20.